

APPROVED: Meeting No. 32-81

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
MEETING NO. 27-81

August 3, 1981

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, August 3, 1981, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Roger Titus; City Clerk Helen Heneghan; Chief of Police Jared Stout; Director of Community Development Douglas Horne; Director of Recreation and Parks Ronald Olson; Assistant City Manager Daniel Hobbs; and Director of Planning James M. Davis.

Re: City Manager's report

Mr. Blick reported the following:

1. Ritchie Parkway between Falls Road and Seven Locks Road is now being resurfaced. It could be opened by the end of this week.

2. This past week, staff met with citizens of Woodley Gardens regarding the design of Carnation Drive storm water management facility.

3. A 24-inch water main to serve North Farm has been completed and is now connected to the City's system.

4. The sidewalks have been poured and the contractor has been laying the base asphalt for the Edmonston Drive Bridge deck. The Metro contractor believes the bridge will be in service by August 15.

5. The City has been awarded a Certificate of Conformance in Financial Reporting by the Municipal Finance Office Association for its comprehensive annual financial reporting for 1980. This is the highest form of recognition in the area of governmental financial reporting. Its attainment represents a significant accomplishment by a government and its management. He commended John Lawton for this award.

6. He introduced John Miller, the newly appointed Deputy Chief with the rank of Captain of the Rockville Police Force. He is present this evening with

his wife Carolyn and daughter Kimberly. Mayor Hanna welcomed Captain Miller to the City. He congratulated Mr. Blick and Mr. Lawton on the attainment of the MFOA award.

Re: Appointment

Mayor Hanna, with the confirmation of the Council, appointed Leah Barnett of 19 Orchard Way South, to the Rockville Planning Commission.

Re: Adoption of Ordinance: To  
Adopt an Amendment to the  
Adopted Plan for Rockville to  
update the proposed land use  
map of the Plan.

Ordinance No. 35-81

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Ordinance No. 35-81, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council amending the adopted Plan for Rockville was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To  
Amend Chapter 12 of the  
"Laws of Rockville", entitled  
Animal Control Regulations by  
amending various definitions  
and making various other technical  
changes including broadening  
the prohibition against domestic  
livestock.

Ordinance No. 36-81

On motion of Councilman Tyner, duly seconded and unanimously passed, Ordinance No. 36-81, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, amending the Animal Control Regulations was adopted by the Mayor and Council.

Re: Request by Antique Car  
Show Committee for a budget  
increase of \$1,500

The Car Show Committee met on June 30, 1981, to discuss the impact of the budget reduction for the 20th annual car show. Eighteen people were present, eight of whom were city residents who display vehicles in the car show event. City Councilman John Freeland was also in attendance at the meeting.

As background information, the Mayor and Council reduced the budget on May 9, for the car show from \$9,899 to \$3,000, and staff was asked to meet with the Car Show Committee and discuss the impact of a 2/3 reduction.

The committee, citizens, and staff in attendance at the meeting feel that the Rockville Antique and Classic Car Show is a traditional and prestige show unique to the metro area. The committee feels that the Rockville Car Show is an important local event and the committee has demonstrated that they will help to offset the City's cost. Staff can produce a "Grade C" car show for \$3,000, however, certain traditional associated activities will have to be curtailed due to the budget reduction such as the costume fashion parade, bandwagon, band concert, automobile contests, some awards, stage, sound system and display field preparations. In order to have the associated activities at the Car Show and increase the quality to a "Grade B" show, staff could get by with an additional \$1,500 funding for the event.

Mayor Hanna said he had misgivings about increasing the funding since there is only one Rockville local representative on the Car Committee. He would prefer to have no show than have a "Grade C" show. Councilman Tyner questioned the memorandum noting that personnel and fixed costs ordinarily charged to this category will be distributed to other activities. This was clarified by the staff present. The City Manager said something like maintenance will be distributed, but many people who spent time working on the event will spend their time working on other activities. Councilwoman Fordham said she plans to vote against it since there are very few Rockville people involved. She feels that the recreation programs should continuously be monitored and updated. This causes some events to be dropped while others are added. Mayor Hanna joined Councilwoman Fordham with her remarks. He said there seems to be little willingness on the part of the car show people to open the show to others. Mr. Hayes and Mr. Olson explained that there presently is crowded exhibit space and opening the show to others could bring down the quality since there would be cars that could be seen anywhere. Councilman Freeland spoke in favor of the increase and the car show and noted a good number of Rockville people that are drawn there as spectators. He said the budget cut came about so suddenly, many of the participants were shocked. If the \$3,000 presently allotted is not enough for a "Grade A" show then it would be better to cancel it. Councilman Tyner asked how far along the staff is in planning for these events. Mr. Hayes said the supplies have been ordered along with plaques so that about 20 percent of the work has been done. Councilwoman Fordham said it would be well for participants to go on notice that the City's budget is looked at

every year and is zero based. At budget time, decisions are made that are part of an orderly process and any program can be jeopardized at anytime.

Councilman Freeland moved, duly seconded, to increase the budget by \$1,500. The motion passed with Councilmembers Abrams, Freeland, and Tyner voting aye and Mayor Hanna and Councilwoman Fordham voting nay.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Robert Jacques. Mr. Jacques briefed the Council on the tax and farm-land assessment and noted that the Rockville Crushed Stone had just sold some property for \$600,000 that had been assessed at \$2,000 and that indicates the City is losing a considerable amount of money. He suggested the City look into other farm land assessments in the City. Mr. Davis told the Council that Rockville Crushed Stone is not in the City, and he believes there is no longer any farm land in the City.

2. Lewis Harrington, 403 Ritchie Parkway. Mr. Harrington brought to the Council's attention the recent excellent service he received from the City Manager's office when the telephone company constructed a utility box at eye level in front of his house.

He then addressed the Council on the Antique Automobile Show going back to its origination in 1961 by Barney Welsh. He told the Council the involvement of the show since then and the chagrin to the members of the committee of which he is a member when the budget was cut. He asked the Mayor and Council to give the car show people an opportunity to realign themselves. He noted that so many people come to see the show because it is such a nice show.

Councilman Tyner told Mr. Harrington that he should tell the committee that the Mayor and Council look closely each year at all programs. Mr. Harrington compared the show to the firework's presentation and the enjoyment that is had by Rockville people that is immeasurable.

3. Delegate Forehand. Mrs. Forehand addressed the Council concerning the agenda item on a grant from the Maryland Historical Trust for the Beall Dawson House. She agreed with the Council in the preference that an easement not be granted because the current administration in Rockville would keep the house in good condition. She said that the State's staff approval, however, would be no more stringent than the Historic District Commission. She hopes

the City will keep its options open and look to getting the \$20,000. Mayor Hanna thanked Mrs. Forehand for her help in securing the funding. Councilman Abrams asked if any thought had been given in Maryland to exempting Rockville from the easement clause. Delegate Forehand said it is her feeling that it should not be a local bill.

4. Bob Sholtz. Mr. Sholtz represents the Furman Company, the applicant for the annexation petition which is listed on the agenda this evening. He told the Council that he has met with representatives of the neighboring homeowners association after the last two Mayor and Council meetings and it is his feeling that all the citizens concerns including access, have been met successfully by the developer insofar as it is possible.

5. Bernie Gaunt, 308 Lincoln Avenue. Mr. Gaunt thanked the staff and Mr. Blick for the information on the traffic light at Dover Road. He also thanked the City for the new recreation areas for small children.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Resolution: To enlarge the corporate boundaries of the City of Rockville to include Lots 2, 4, and 6 and parts of Lots 1, 3, and 5 in Block A of the subdivision known as "Wheel of Fortune" as per plat duly recorded - Montrose West Limited Partnership.

Councilman Abrams, moved, duly seconded by Councilman Freeland, that the annexation be accepted, subject to the following conditions:

1. Principal access to the property is from Fortune Terrace;
2. Retention of as much of existing foliage and berm as practical;
3. Supplemental screen planting on the berm;
4. Variances requested through existing procedure using Board of Appeals; and,
5. The decision on Monroe Street be postponed.

Councilwoman Fordham suggested that the access at Fortune Terrace be either by an easement or through Monroe and if so No. 5 should be deleted. Councilman Abrams agreed to the deletion of that condition as did the seconder. Councilman Tyner asked if there are any projected traffic counts from the property onto Seven Locks Road or counts from Potomac Springs into Seven Locks Road. Mr. Davis

said the work was done by the staff today. Potomac Springs has 100 dwelling units which generates approximately 840 trips a day which would be 110 at peak. The Furman development is projected to develop 906 to 1300 trips per day and during the peak hours 103 to 252. Those figures could vary as much as 10 percent. The road, Twin Oaks Drive, is a secondary residential street designed to access 200 dwellings, so Potomac Springs is currently running at about 50 percent capacity. The Furman development is equal to a residential development. Councilman Tyner said it would seem to be a balanced flow from either side of the street. He asked about a count on Fortune Terrace. Mr. Davis said an office, such as Control Data, generates between 1250 and 1803 cars per day up to 347 at peak. Councilman Tyner asked if the staff had considered going to a phased signal. Mr. Davis said not at this time.

Mayor Hanna said that only today he learned that Monroe Street could still be used as access to Fortune Terrace. He spoke to the Council at length concerning the front foot benefits and the traffic jam that will exist at Fortune Terrace. He noted that a vote for that would solve the present problem of access onto Seven Locks, but will create a future problem that is very difficult and future Councils will be left to decide it. The only argument against entrance onto Seven Locks Road is one of amenities. It would seem safer and more sensible to have a drive further up on Seven Locks Road. Councilman Abrams said the Mayor had made a good point on the long-term objectives, but he feels those access questions can be handled at a later time. He said Fortune Terrace has been suggested as one entrance. It is possible that the property could get access to Fortune Terrace further up in the future. This is the time for the Council to act since it can have more influence than usual because it is an annexation. Councilwoman Fordham said Monroe Street is a workable solution so it is not a entrance of choice. She said entrance at Fortune will be better due to the signals, but the hill and the topography make it difficult at most points. Mayor Hanna asked the City Attorney if the condition concerning variances going to the Board of Appeals is a valid one. The City Attorney said presently, all variances are handled by the Board of Appeals, so that constitutes no change under Article 66B. The City Manager asked the Council's intent on a driveway to the north of the property. Councilman Abrams said his motion is silent to any secondary entrance. The principal access would be at Fortune Terrace. The City Attorney asked Councilman Abrams for clarification on whether or not that meant no access at all since that information was necessary to

draw up the contract. Councilman Abrams said it was his intent for the staff to work out those conditions. Councilman Tyner suggested the access road be opened at the north with right turns only in and out. Mr. Davis said that would make a 10 percent reduction in Fortune Terrace traffic. Councilwoman Fordham said it is her feeling that the Council is not at liberty to remain silent on the secondary access if they are planning to place conditions on the property at all. She moved, duly seconded, to amend the contract to include one exit at the north of the property on to Seven Locks Road indicating right turns only for both in and out. Mayor Hanna said he is still concerned with the tortuous intersection that will exist and the future problems. However, he will go along with the northern access for right turns only. Councilman Abrams asked if that were to be placed 100 yards from the intersection. Councilwoman Fordham said she is not sure of the exact location. She is only positive that it will be only right turns. Councilman Freeland interjected that the conditions now being placed on the property are those proposed by the Planning Commission in the first place and it has taken the Council a long time to get back to the beginning. The City Attorney said he will prepare the contract from the instructions given and bring it back to the Mayor and Council for final approval. Councilwoman Fordham's amendment to the motion passed unanimously. Mayor Hanna stressed the point being made that the Council wanted to separate the Twin Oaks and the Furman entrances from Seven Locks Road.

Councilman Abrams' motion, as amended, passed unanimously.

Re: Introduction of Ordinance: To  
Grant Street Closing Application  
SCA-35-81

On Councilman Abrams' motion, this item was postponed.

Re: Adoption of Ordinance: To Amend  
the zoning map of Rockville  
by adding Lots 2, 4 and 6 and  
parts of Lots 1, 3 and 5 in  
Block A - "Wheel of Fortune",  
Montrose West Limited Partnership,  
Applicant.

On motion of Councilman Abrams, duly seconded and unanimously passed, this item was tabled.

Re: Authorization for grant of  
easement to Maryland Historical  
Trust for Beall/Dawson House

In September 1980, Margaret H. Williams, Director of Development for the Montgomery County Historical Society submitted to the Maryland Historical Trust,

an application for funds to restore and improve the interior of the Beall-Dawson House. The amount of money requested in the application was \$83,000. The application was processed by the State and on June 26, 1981, the Historical Trust informed the Historical Society that the Board of Trustees had earmarked an award of \$20,000 for the Beall-Dawson House.

The grant is to be limited to restoration of the interior fabric of the house, rework to achieve conformity with the original house design, window treatment for light/energy control, and architectural/engineering fees.

According to the notification letter, no matching funds are required as a condition of the grant. A preservation easement, however, is required and must be recorded prior to receiving the funds. In accordance with a policy adopted by the Historical Trust Board of Trustees in June 1980, preservation easements "shall be perpetual and shall include all the property associated with the historic resources." Since the City of Rockville is the owner of the property, the City would have to provide the required easement in order for the Historical Society to receive the \$20,000 grant.

Ms. Eileen McGuckian, a member of the Board of the Maryland Historical Trust, introduced Mr. Edward A. Masic, Jr., State's Project Administrator for Technical Preservation services of the Maryland Historical Trust. Mr. Masic briefed the Council on the system employed by the State for the introduction of applications to the Historic Trust for preservation, and explained the system of easements and how they are administered. He understands there has been a reluctance on the part of the Mayor and Council to grant a preservation easement on the Beall/Dawson House property. The Council discussed the easement and the policy of the Trust at length with Mr. Masic. He stressed the point that it is necessary to protect the State investment at the State level. Although the Council agreed with this, they pointed out to Mr. Masic that the Mayor and Council have the best interest of the Beall/Dawson House in mind at all times since they continuously fund restoration projects. Mr. Masic was questioned on the idea of less than a perpetual easement and also questioned as to the advisability of exempting public ownership from the easement condition. Mr. Masic explained the easement in 1975 became a procedural requirement and has been accepted by the Board of Public Works as a typical agreement. Mr. Masic assured the Council that he would carry their concerns back to the Board. He knows that the Beall/Dawson House is an exception in restoration



It is certainly not the rule and there are many places where an easement is the only way that a building can be successfully preserved. The Council agreed to refuse the grant, although they appreciated the concern of the Historical Trust, but they could not, at this time, allow an easement to be placed on the Beall/Dawson House. It was the feeling of the Council that the staff might find a way the City could work with the Historical Society even on a matching grant basis and come back with such a proposal. The Council thanked Mr. Masic for his appearance this evening. Ms. McGuckian told the Council that she is very disappointed in this decision.

Re: Authorization for City Manager  
to execute a contract for  
data processing equipment and  
software

The Council questioned the staff at length on the hardware, the software and the timetable for implementation. Mayor Hanna had problems with the information given since he said many questions still had not been answered, most particularly the cost savings and a better application schedule. He noted some items expected to be implemented in five years and with the state of technology today it should be done within a year or two. He said he had asked to see the figures on the cost savings pay off and a plan on the applications, when they will be in place, and when they will be implemented. Councilwoman Fordham asked the staff several questions and noted that she dislikes computers and even though justification is given, she never believes it. She did ask that the staff furnish the Mayor with the figures that he needs. Councilmembers Freeland and Tyner spoke for the proposal. Mayor Hanna said his main point is that a year from now the Council cannot hold the staff accountable for anything. There are no promises within this proposal, it is just thought. He does not feel that is good enough. Councilman Tyner asked if the Hewlett-Packard proposal came closest to the City's RFP. He was told it did. Councilman Freeland complimented the staff on an outstanding RFP. He said that if the selection process was as good, he has no doubts that it will be fine.

On motion of Councilman Tyner, duly seconded and passed, the City Manager was authorized to execute a contract with Hewlett-Packard as the staff had recommended. The motion passed with Councilmembers Abrams, Fordham, Freeland and Tyner voting aye and Mayor Hanna voting nay.

## Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Bea Van Dyke, thank you note  
Bernice Grossman, thank you note  
Harriett Hopf, thank you note
2. Harlow Osborne, re pool expansion  
E.H. Ahern, re pool expansion  
John Ahern, re pool expansion
3. L.W. Smith, re East Rockville Civic Association
4. D. Duncan, Human Rights Commission, re volunteer night program
5. Leah Barnett, re Alternative Community Service Commission term extension  
Councilwoman Fordhams said she saw no need to change the term nor the purpose. There are many people who would give up one year, but they may not be willing to give up two. Councilman Freeland said he saw no reason to disagree with the Chairman and he supports her judgment. Mayor Hanna and Councilman Abrams agreed and the staff was asked to draft an ordinance accomplishing the term extension.
6. E. Andrews, re City's alternate proposal acknowledgement.

## Re: Information Items

The Mayor and Council noted the following items of information:

1. Copy of Senator Shore's letter re Woodley Gardens School
2. Information concerning installation of speed humps.
3. Memo on Montgomery County Indoor Swim Project  
Councilman Abrams asked if there is a Council position on this. The City Manager said yes, the position is reflected in the City's testimony suggesting that smaller pools be built and that attention is given to the break even point on membership.
4. Memo from Board of Elections re Charter Amendment Petition.  
Councilman Tyner said it never occurred to him that anything as important as a charter amendment petition had no guidelines. The Mayor and Council agreed that the Board of Elections will be the proper body to process any petitions and asked that the staff work with the Board on this. Mayor Hanna agreed and asked that the Board of Elections work out a procedural packet. He said it can possibly be modeled Montgomery County's proposal. If Mrs. Karras, the Chairman, needs specific legal interpretation from the City Attorney, that assistance will be given. Councilman Tyner suggested a report from the Board of Elections and a work session if needed. He said sometimes, things can slip through the cracks.

## Re: New Business

1. Mayor Hanna noted that there will be a special meeting of the Council tomorrow morning at 9:45 and a press conference will immediately follow.

2. The City Manager brought to the Council's attention, a memo on Montgomery County councilmanic redistricting and asked for the Council's feeling. Mayor Hanna said he supports plan C or the green plan that will keep Rockville in one district and Councilman Abrams said he would be glad to deliver the testimony. The Council agreed to stress Rockville as an entity, but make no reference to the lone city and also a preference of not being joined to the northern part of the County.

Re: Executive Session

There being no further business to come before the Council in general session, the Meeting was closed for executive session to discuss personnel.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at midnight to convene again in special session, Tuesday, August 4, 1981, at 9:45 a.m.